

SCOTTSDALE

# CITY COUNCIL MEETING



## \*\*\*AMENDED\*\*\* MEETING NOTICE AND AGENDA

[ADDED CONSENT ITEM No. 16A; MAYOR AND COUNCIL ITEM No. 18A]

### COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Monday, August 18, 2008

**5:00 P.M.**

### CITY COUNCIL MEETING

### MARKED AGENDA

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:14 PM**

**Roll Call** – **ALL PRESENT**

**Pledge of Allegiance** – **SCOTTSDALE GREASEPAINT THEATER GROUP**

**Invocation** – **NONE**

**City Manager's Report** – **MR. LITTLE ANNOUNCED THE INSTALLATION OF WATER CHILLERS AVAILABLE FOR PUBLIC USE IN THE KIVA FORUM. FIRE STATION 2 WILL BE OFFERING PUBLIC TOURS ON AUGUST 23 FROM 7:30 AM TO 9:30 AM. THE SCOTTSDALE 2008 ANNUAL REPORT, WHICH HIGHLIGHTS THE CITY'S GREEN EFFORTS, IS NOW AVAILABLE ONLINE.**

### **Presentations/Information Updates**

#### **Approval of Minutes**

**- OK – 7/0**

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

[July 1, 2008](#)

[July 1, 2008](#)

[July 8, 2008](#)

[July 8, 2008](#)

**Public Comment** – **MARY HARDEN EXPRESSED CONCERN ABOUT SUNDT CONSTRUCTION WORKING DURING NIGHT TIME HOURS AT SKYSONG; NANCY CANTOR BELIEVES THAT UNPLANNED CONSEQUENCES ARE THE RESULT OF UNPLANNED GROWTH AND ASKED THE COUNCIL TO IMPLEMENT GENERAL PLAN NEIGHBORHOOD ELEMENTS; FRANCIEN RANDALL SUGGESTED A CITY-WIDE MORATORIUM ON NEW CONSTRUCTION FOR ONE YEAR, AND ASKED THE COUNCIL TO CONSIDER A FOUR-DAY WORK WEEK FOR CITY EMPLOYEES; GEORGE KNOWLTON EXPRESSED FRUSTRATION OVER PREVIOUS COUNCIL DECISIONS.**

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment" time.**



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

## CONSENT AGENDA      ITEMS 1-16A

**How the Consent Agenda Works:** The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Request to Speak card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1.     **Diamond Shamrock Beer and Wine Store Liquor License (50-LL-2008) – APPROVED ON CONSENT**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing location with a new owner.  
**Location:** 2865 N. Scottsdale Road  
**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
2.     **Bacon Restaurant Liquor License (52-LL-2008) – APPROVED ON CONSENT**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.  
**Location:** 4175 N. Goldwater Boulevard  
**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
3.     **Posh Restaurant Liquor License (53-LL-2008) – APPROVED ON CONSENT**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location with a new owner.  
**Location:** 7167 E. Rancho Vista Drive, Suite 111  
**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
4.     **Pizza Picazzo Restaurant Liquor License (54-LL-2008) – APPROVED ON CONSENT**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing series 12 (restaurant) liquor license.  
**Location:** 7325 E. Frank Lloyd Wright Boulevard, Suite 101  
**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
5.     **Pure Sushi Bar and Dining Restaurant Liquor License (55-LL-2008) – APPROVED ON CONSENT**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location with a new owner.  
**Location:** 7343 Scottsdale Mall, Suite 1  
**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

# CONSENT AGENDA

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6. **Bistro Italia Restaurant Liquor License (56-LL-2008)** – APPROVED ON CONSENT

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.

**Location:** 6204 N. Scottsdale Road, Suite 106

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

7. **Drift Conditional Use Permit (21-UP-2007)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH CONDITIONAL USE PERMIT CRITERIA

**Requests:**

1. Approve a Conditional Use Permit for a bar at an existing restaurant (Drift).
2. Adopt **Resolution No. 7666** affirming the Conditional Use Permit for a bar and finding that the conditional use permit criteria have been met.

**Location:** 4341 N. 75<sup>th</sup> Street

**Related Policies, References:** Downtown Plan

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

8. **Verizon PHO Indian River Wireless Communications Facility Conditional Use Permit (11-UP-2008)** – APPROVED ON CONSENT

**Requests:**

1. Approve a Conditional Use Permit for a Type 4 wireless communications facility (WCF) to be installed on a new 50-foot mono-palm, with associated ground equipment, located within the Indian River Shopping Plaza with Central Business District (C-2) zoning.
2. Adopt **Resolution No. 7693** affirming the Conditional Use Permit and finding that the conditional use permit criteria have been met.

**Location:** Southwest corner of East Thomas and North Hayden roads

**Related Policies, References:**

- Zoning Ordinance, Article VII, Section 7.200.H
- Two other mono-palms have been approved and constructed in the City: Case No. 24-UP-2005 at 409 N. Scottsdale Road; and Case No. 27-UP-2006 at the southwest corner of East Shea Boulevard and North 100<sup>th</sup> Street.

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

9. **Dynamite Hills Density Incentive (2-ZN-2008)** – APPROVED ON CONSENT

**Requests:**

1. Approve a Density Incentive bonus for increases in Natural Area Open Space (NAOS) per Sec. 6.1060C of the Zoning Ordinance for the Dynamite Hills Subdivision.
2. Adopt **Resolution No. 7700** affirming the Density Incentive.

**Location:** 11700 E. Via Dona Road

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

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10. **Parolo Vista Estates Final Plat (24-PP-2005) – MOTION TO APPROVE, WITH CHANGES TO THE ROAD PROFILE, AND MOVEMENT OF THE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY, 7.5 FEET TO THE SOUTH – OK – 7/0**  
**Request:** Approve a Final Plat, with amended development standards, entry gate, entry monument, and wall, for an 11-lot subdivision on a 15-acre parcel.  
**Location:** The southwest corner of East Pinnacle Vista Drive and North 67<sup>th</sup> Street  
**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)
11. **Urban Area Security Initiative Terrorism Liaison Officer Program Grants – APPROVED ON CONSENT**  
**Requests:**
  1. Authorize the acceptance of Arizona Department of Homeland Security, Department of Homeland Security Urban Area Security Initiative grants in the amount of \$163,000 to purchase two Level A Terrorism Liaison Officer (TLO) kits (one each for the police and fire departments), and one Level B TLO kit for the Emergency Management Division.
  2. Adopt **Resolution No. 7697** approving Intergovernmental Agreement Nos. 2008-141-COS and 2008-142-COS with the Arizona Department of Public Safety to enhance City terrorism preparedness capabilities to prevent, protect, respond to, and recover from chemical, biological, radiological, nuclear, and explosive (CBRNE) incidents.
  3. Authorize the transfer of \$163,000 in the Future Grants Budget adopted in the FY 2007/08 Grants Budget to the centers assigned to record all the grant activity.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov); William McDonald, Fire Chief, 480-312-1880, [wmcdonald@scottsdaleaz.gov](mailto:wmcdonald@scottsdaleaz.gov)
12. **Intergovernmental Agreement with Scottsdale Unified School District to Provide School Resource Officers – APPROVED ON CONSENT**  
**Request:** Adopt **Resolution No. 7687** authorizing Intergovernmental Agreement No. 2007-128-COS-A1 between the City and the Scottsdale Unified School District for the provision of Scottsdale Police Officers to serve as School Resource Officers.  
**Related Policies, References:** The City is authorized to enter into this agreement pursuant to A.R.S. § 11-952 and the Scottsdale City Charter, Article 1, 3-1.  
**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)
13. **Intergovernmental Agreement with Cave Creek Unified School District to Provide School Resource Officers – APPROVED ON CONSENT**  
**Request:** Adopt **Resolution No. 7688** authorizing Intergovernmental Agreement No. 2008-138-COS between the City and the Cave Creek Unified School District to provide police officers to serve as School Resource Officers at one high school and one middle school complex.  
**Related Policies, References:** The City is authorized to enter into this agreement pursuant to A.R.S. § 11-952 and the Scottsdale City Charter, Article 1, 301.  
**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)

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**14. Alarm Systems Ordinance Fees – APPROVED ON CONSENT**

**Request:** Adopt **Resolution No. 7703** authorizing fees and charges associated with the administration of the Alarm Systems ordinance in the amounts set forth in the Alarms Systems Fee Schedule, which is attached to Resolution No. 7703.

**Related Policies, References:**

- June 3, 2008, adopted Ordinance No. 3796, Alarm Systems Ordinance.
- June 3, 2008, adopted Resolution No. 7625, authorizing the Alarm Systems Ordinance new and revised fees.

**Staff Contact(s):** Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov); Debora Johnson, Customer Service Director, 480-312-2463, [djohnson@scottsdaleaz.gov](mailto:djohnson@scottsdaleaz.gov)

**15. Design-Build Services Contract for the Tom's Thumb and East End Trails in the McDowell Sonoran Preserve - APPROVED ON CONSENT**

**Request:** Adopt **Resolution No. 7595** authorizing Design-Build Preconstruction Contract No. 2008-079-COS with Okanogan Trail Construction in the amount of \$30,350 for design phase services for the Tom's Thumb and East End Trails in the McDowell Sonoran Preserve.

**Related Policies, References:** This project is consistent with the following:

- McDowell Sonoran Preserve Access Areas Report, approved by the McDowell Sonoran Preserve Commission, accepted by the City Council in 1994 and updated in 1999.
- Conceptual Preserve Trails Plan approved by the McDowell Sonoran Preserve Commission and accepted by the City Council in 1998.
- Trails Master Plan, approved by the City Council in February 2004.
- McDowell Sonoran Preserve Access Area Design and Site Standards Manual (serves as the basis for preparation of the design and construction plans for the Gateway Access Area amenities).
- The Preserve Ordinance, approved by the City Council in May 2000 (establishes general rules and regulations for activities in the McDowell Sonoran Preserve. (Provisions of this ordinance manage public use of access areas and trails within the Preserve.)

**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

**16. Wireless Antenna Facility License Agreement at Pump Station 42 – APPROVED ON CONSENT**

**Request:** Adopt **Resolution No. 7640** authorizing Agreement No. 2008-094-COS with T-Mobile West Corporation, a Delaware corporation, to install and operate a wireless antenna facility at the Water Resources Reservoir and Pump Station 42.

**Related Policies, References:**

- Chapter 2, Article IV, Division 5, Section 2-221(c) of the Scottsdale Revised Code permits the City to allow outside parties to use City-owned real property by means of a revocable license agreement.
- Wireless Communications Facilities Ordinance Amendment approved by the City Council on March 4, 2003.

**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

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**\*\*\*16A. APS Cricket Hayden Wireless Communication Facility Conditional Use Permit (T-Mobile) (3-UP-2008) – MOTION TO CONTINUE TO AUGUST 26, 2008 – OK – 7/0**

**Request:** Continue 3-UP-2008 to the August 26, 2008 agenda. 3-UP-2008 is a request to approve a Conditional Use Permit for the co-location of a Type 4 wireless communication facility (WCF) on an existing APS tower within the planned McDowell Sonoran Preserve boundary and located northeast of the northeast corner of East Jomax and North Hayden roads with Single Family Residential Environmentally Sensitive Lands, Foothills Overlay (R1-190 ESL FO) zoning.

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

## MAYOR AND COUNCIL

### ITEMS 17-19

**17. Citizen Petition Regarding Privatization of Scottsdale's Municipal Water System – NO ACTION TAKEN**

**Request:** Consideration of, and possible action on, a citizen petition as provided for by the City Charter, asking the Council to “explore privatizing the Scottsdale municipal water system and using the proceeds to acquire lands within the Scottsdale Sonoran Preserve boundary.” The petition was provided to the Council at the July 8, 2008 City Council Meeting by Mr. Lamar Whitmer. The Council acknowledged receipt of the petition on July 8, 2008 and acted to schedule the matter for consideration at its next regular meeting, August 18, 2008.

**Related Policies, References:** City Charter, Article 2, Section 16 states: “Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”

**Staff Contact(s):** Marshall Brown, Water Resources General Manager, 480-312-5683, [mbrown@scottsdaleaz.gov](mailto:mbrown@scottsdaleaz.gov)

**18. Resolution Expressing Opposition to Relocating a Substation to the Intersection at 68th Street and Indian School Road – MOTION TO APPROVE – FAILED – 3/4 (MM, BD, WE, RM)**

**Request:** At the request of Vice Mayor Littlefield, consider advising Salt River Project, in writing, of the Council's opposition to the relocation of a substation to the intersection of 68<sup>th</sup> Street and Indian School Road.

**Staff Contact(s):** Deborah Robberson, City Attorney, (480) 312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov)

**\*\*\*18A. Update on the McDowell Sonoran Preserve Strategy – ROBERT CAFARELLA AND CRAIG CLIFFORD PRESENTATION**

**Request:** At the request of Councilman Lane, discuss and provide direction to staff regarding the City's preservation strategy, which will include a presentation to update the Council on:

- Current preservation strategy.
- Acquisition strategy and progress to date for completing the Preserve.
- Funding plan for the envisioned Preserve and Sonoran Desert Preservation Program, including cash flow and available bonding capacity.
- McDowell Sonoran Preserve Commission's quarterly reports to Council.

**Related Policies, References:**

- Scottsdale Revised Code, Article II, McDowell Sonoran Preserve Commission, Section 21-7, Purpose; powers and duties.



## **Boards, Commissions, and Task Force Nominations**

**How the Board and Commission Nomination Process Works:** The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select several nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

### **19. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for August 26, 2008)**

Board of Adjustment (1) – **MICHAEL DE NITTO**

Development Review Board (1 – Development Professional) – **WILLIAM VAN CLEAVE, ERIC GERSTER, JON CHASE, FRED A PONGETTI**

### **Public Comment – NONE**

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “Public Comment.” This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during “Public Comment” time.**

### **Mayor and Council Items –**

- **MAYOR MANROSS ASKED STAFF TO EXPLORE A TEXT AMENDMENT ON THE REGULATION OF PAYDAY LOAN BUSINESSES**
- **COUNCILMAN NELSEN ASKED FOR A STAFF PRESENTATION REGARDING A CONSERVATION OVERLAY REQUIREMENT FOR GREEN BUILDING STANDARDS ON ALL PROPERTIES INVOLVING REZONING AND GENERAL PLAN AMENDMENTS**

### **Adjournment – 10:14 PM**